IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 3539 OF 2007

Panjabsingh Faujasingh Kalyani. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

WITH

CRIMINAL APPLICATION NO. 3540 OF 2007

Faujasingh Sardarsingh Kalyani. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Tejas Dande with Santosh Shinde for the applicant.

K.V.Saste, A.P.P. for the State.

CORAM: V.C.DAGA, J.

DATED: 24th October 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. These applications are filed under section 438 of Code of Criminal Procedure, 1973. The applicants are apprehending their arrest in C.R.No.424/2007

registered with Wanawadi Police Station, Wanawadi, district- Pune for the offences punishable under sections 143, 145, 147, 148, 149, 323, 504, 324, 427, 307 of Indian Penal Code and section 37(1) read with section 135 of the Bombay Police Act on the basis of the complaint filed by one Bachhasingh Ishwarsingh Kalyani.

3. From the F.I.R., it appears that complainant made a complaint that his children were playing pables outside his house. Some dispute arose between them. The complainant came out of his house to find out as to what was the matter about. At that time accused gathered and conspired with each other and assaulted father of the complainant by knife. Dangerous weapons like knife, sword and iron rod were used to cause injuries to the victim, details of which are to be found in the F.I.R. That is how complaint came to be lodged and registered.

4. There are eye witnesses to the incident. The injury certificate and recovery panchanama connect the present accused with the offence alleged against him. It was a planned attack by the father, sons and other family members. No doubt, father of the present accused has been granted bail, but it was merely on the consideration of his old age. So far present applicants- accused are concerned, they are not

entitled to anticipatory bail in their favour.

5. In the result, both the applications are rejected.

6. One week time to surrender, as prayed, is granted.

JUDGE